

REMARKS

This Response is filed in response to the Office Action dated April 1, 2008.

Upon entry of this Response, claims 1-5, 7 and 9-26 will be pending in the Application.

Applicant has amended claims 1, 10-13, 15, 16, 18-21, 23 and 24 to more clearly distinguish Applicant's invention from the cited prior art.

In the outstanding Office Action, the Examiner rejected claims 1-5, 7 and 9 under 35 U.S.C. 112, second paragraph, as being indefinite, and rejected claims 1-5, 7 and 9-26 under 35 U.S.C. 102(e) as being anticipated by Sue (U.S. Patent No. 7,310,344).

Rejection under 35 U.S.C. 112

The Examiner rejected claims 1-5, 7 and 9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.

Applicant has amended claim 1 to provide proper antecedent basis for "the instant message".

Therefore, in view of the above, Applicant submits that claims 1-5, 7 and 9 are not indefinite and comply with the provisions of 35 U.S.C. 112, second paragraph, and therefore are allowable.

Rejection under 35 U.S.C. 102

The Examiner rejected claims 1-5, 7 and 9-26 under 35 U.S.C. 102(e) as being anticipated by Sue.

Specifically, the Examiner stated that

Claim 1 recites a method of remotely monitoring building equipment comprising providing at least one item of building equipment communicably linked to a router, the router being communicably linked to an instant messaging server; providing at least one remotely located interface, the at least one remotely located interface being communicably linked to the instant messaging server; gathering data from the at least one item of building equipment with the router; packetizing the gathered building

equipment data into at least one data packet; encapsulating the at least one data packet into the instant message; and transmitting the encapsulated at least one data packet in

an instant message from the router to the at least one remotely located interface through the instant messaging server.

All of these features are believed to be disclosed or rendered inherent by the disclosure of Sue, specifically Figures 1 and 3, and their corresponding textual descriptions. Also, the claimed features of packetizing and encapsulation are believed inherent to the disclosure of Sue, specifically since Sue teaches that the communication network may be the Internet. Additional extrinsic evidence relied upon are descriptions of "Encapsulation" and "How Encapsulation Works", both found using www.Wikipedia.com.

Claims 2-5, 7 and 9 are all taught or rendered inherent to the disclosure of Sue and are also rejected by virtue of claim 1 being rejected.

Claim 10 recites a method of remotely monitoring building equipment comprising providing at least one item of building equipment communicably linked to a router, the router being communicably linked to an instant messaging server; assigning addresses to each item of building equipment to permit electronic identification of each item of building equipment, creating a unique profile for each item of building equipment, and associating the unique profile with each assigned address for each item of building equipment; providing at least one remotely located interface, the at least one remotely located interface being communicably linked to the instant messaging server; gathering data from the at least one item of building equipment with the router; and transmitting the data from the router to the at least one remotely located interface in an instant message through the instant messaging server.

All of these features are believed to be disclosed or rendered inherent by the disclosure of Sue, specifically Figures 1 and 3, and their corresponding textual descriptions. Also, the claimed features of packetizing and encapsulation are believed inherent to the disclosure of Sue, specifically since Sue teaches that the communication network may be the Internet. Additional extrinsic evidence relied upon are descriptions of "Encapsulation" and "How Encapsulation Works", both found using www.Wikipedia.com.

Claims 11-17 are all taught or rendered inherent to the disclosure of Sue and are also rejected by virtue of claim 10 being rejected.

Claim 18 recites a system for remotely monitoring building equipment, the system comprising: at least one item of building equipment; a router communicably connected to the at least one item of building equipment to receive data from the

building equipment, the router having a microprocessor and a memory storing computer program executable by the microprocessor, the computer program comprising computer instructions for gathering data from the connected building equipment, converting the data, packetizing the converted data, and encapsulating the packetized data into an instant message; and an instant messaging server communicably connected to the router, the instant messaging server being configured to receive an instant message from the router and to transmit the instant message to at least one remotely located interface.

All of these features are believed to be disclosed or rendered inherent by the disclosure of Sue, specifically Figures 1 and 3, and their corresponding textual descriptions. Also, the claimed features of packetizing and encapsulation are believed inherent to the disclosure of Sue, specifically since Sue teaches that the communication network may be the Internet. Additional extrinsic evidence relied upon are descriptions of "Encapsulation" and "How Encapsulation Works", both found using www.Wikipedia.com.

Claims 19-26 are all taught or rendered inherent to the disclosure of Sue and are also rejected by virtue of claim 18 being rejected.

Applicant respectfully traverses the rejection of claims 1-5, 7 and 9-26 under 35 U.S.C. 102(e).

Sue, as understood, is directed to a method and system for interfacing with a home automation system using a router.

In contrast, independent claim 1, as amended, recites a method of remotely monitoring building HVAC equipment comprising: providing at least one item of building HVAC equipment communicably linked to a router, the router being communicably linked to an instant messaging server; providing at least one remotely located interface, the at least one remotely located interface being communicably linked to the instant messaging server; gathering data from the at least one item of building HVAC equipment with the router; packetizing the gathered building equipment data into at least one data packet; encapsulating the at least one data packet into an instant message; and transmitting the encapsulated at least one data packet in the instant message from the router to the at least one remotely located interface through the instant messaging server.

Independent claim 10, as amended, recites a method of remotely monitoring HVAC building equipment comprising: providing at least one item of building HVAC equipment

communicably linked to a router, the router being communicably linked to an instant messaging server; assigning addresses to each item of the at least one item of HVAC building equipment to permit electronic identification of each item of building HVAC equipment, creating a unique profile for each item of the at least one item of HVAC building equipment, and associating the unique profile with each assigned address for each item of the at least one item of HVAC building equipment; providing at least one remotely located interface, the at least one remotely located interface being communicably linked to the instant messaging server; gathering data from the at least one item of building equipment with the router; and transmitting the data from the router to the at least one remotely located interface in an instant message through the instant messaging server.

Independent claim 18, as amended, recites a system for remotely monitoring building HVAC equipment, the system comprising: at least one item of building HVAC equipment; a router communicably connected to the at least one item of building HVAC equipment to receive data from the building equipment, the router having a microprocessor and a memory storing computer program executable by the microprocessor, the computer program comprising computer instructions for gathering data from the connected building equipment, converting the data, packetizing the converted data, and encapsulating the packetized data into an instant message; and an instant messaging server communicably connected to the router, the instant messaging server being configured to receive an instant message from the router and to transmit the instant message to at least one remotely located interface.

The examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).” *See* Manual of Patent Examining Procedure, 8th Edition, Revision 6 (MPEP), Section 2131.

In addition, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).” *See* MPEP, Section 2131.

Several of the features recited by Applicant in independent amended claims 1, 10 and 18 are not taught or suggested by Sue. First, Sue does not teach or suggest providing at least one item of building HVAC equipment communicably linked to a router, and gathering data from the at least one item of building HVAC equipment with the router as recited by Applicant in independent amended claim 1, nor providing a system for remotely monitoring building HVAC equipment including at least one item of building HVAC equipment, and a router communicably connected to the at least one item of building HVAC equipment to receive data from the at least one item of building HVAC equipment as recited by Applicant in independent amended claim 18. Furthermore, Sue does not teach or suggest a method of remotely monitoring HVAC building equipment including providing at least one item of building HVAC equipment communicably linked to a router, the router being communicably linked to an instant messaging server, and assigning addresses to each item of the at least one item of HVAC building equipment to permit electronic identification of each item of building HVAC equipment, creating a unique profile for each item of the at least one item of HVAC building equipment, and associating the unique profile with each assigned address for each item of the at least one item of HVAC building equipment as recited by Applicant in independent amended claim 10.

Thus, since Sue does not teach or suggest all of the limitations recited in independent claims 1, 10 and 18, Applicant respectfully submits that Sue does not anticipate Applicant's invention as recited in independent claims 1, 10 and 18.

Therefore, for the reasons given above, independent claims 1, 10 and 18 are believed to be distinguishable from Sue and therefore are not anticipated nor rendered obvious by Sue.

Dependent claims 2-5, 7, 9, 11-17 and 19-26 are believed to be allowable as depending from what are believed to be allowable independent claims 1, 10 and 18 for the reasons given above. In addition, claims 2-5, 7, 9, 11-17 and 19-26 recite further limitations that distinguish over the applied art. In conclusion, it is respectfully submitted that claims 1-5, 7 and 9-26 are not anticipated nor rendered obvious by Sue and are therefore allowable.

CONCLUSION

In view of the above, Applicant respectfully requests reconsideration of the Application and withdrawal of the outstanding objections and rejections. As a result of the amendments and remarks presented herein, Applicant respectfully submits that claims 1-5, 7 and 9-26 are not anticipated by nor rendered obvious by Sue and thus, are in condition for allowance. As the claims are not anticipated by nor rendered obvious in view of the applied art, Applicant requests allowance of claims 1-5, 7 and 9-26 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,
McNEES, WALLACE & NURICK

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By

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